

USDOL/OALJ Reporter

[Dysert v. Florida Power & Light Co.](#), 92-ERA-26 (Sec'y June 28, 1993)

Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) |  
[Citation Guidelines](#)

---

DATE: June 28, 1993  
CASE NO. 92-ERA-26

IN THE MATTER OF

TERRY G. DYSERT,

COMPLAINANT,

v.

FLORIDA POWER & LIGHT COMPANY  
AND WESTINGHOUSE ELECTRIC CORPORATION,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF DISMISSAL

This case is before me for review of the Recommended Decision and Order Approving Stipulation of Dismissal with Prejudice of the Administrative Law Judge (ALJ) in this case under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988). The ALJ recommends approving the stipulation of dismissal with prejudice. It appears that the stipulation meets the terms of Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, which the Secretary has held applicable in these circumstances. *Scott v. American Protective Services, Inc.*, Case No. 89-ERA-35, Sec. Order, April 26, 1990, slip op. at 2-3; *Nolder v. Raymond Kaiser Engineers, Inc.*, Case No. 84-ERA-5, Sec. Order June 28, 1985, slip op. at 6-7. Accordingly, the complaint in this case is DISMISSED with prejudice.

SO ORDERED.

ROBERT B. REICH  
Secretary of Labor

Washington, D.C.

